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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 THE PEOPLE OF THE STATE OF
CALIFORNIA, ex rel. ROB BONTA,
15 ATTORNEY GENERAL OF
CALIFORNIA,

16 Plaintiff,

17 v.

18 EXXON MOBIL CORPORATION; AND
19 DOES 1 THROUGH 100, INCLUSIVE,

20 Defendants.
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Case No. 3:24-cv-07594-RS

**STIPULATION AND [PROPOSED] ORDER
REGARDING REMAND OF CASE
PENDING APPEAL**

Hon. Richard Seeborg

1 The following stipulation is entered between Plaintiff The People of the State of
 2 California (“Plaintiff”), and Defendant Exxon Mobil Corporation (“ExxonMobil” and collectively
 3 with Plaintiff, the “Parties”), by and through their respective counsel, with reference to the
 4 following facts:

5 **RECITALS**

6 WHEREAS, after ExxonMobil removed this action to this Court, Plaintiff filed a Motion
 7 to Remand, which the Court granted on February 24, 2025;

8 WHEREAS, the Court’s February 24, 2025, order granted a 42-day administrative stay of
 9 the remand order “so as to sort out whether a longer stay pending appeal might be warranted,”
 10 and directed the Parties to submit within seven days a “briefing schedule for addressing the
 11 propriety of a stay pending appeal” (Dkt. 28 at 15);

12 WHEREAS, on March 11, 2025, ExxonMobil filed a notice of appeal of the Remand
 13 Order to the Ninth Circuit Court of Appeal (“Remand Appeal”) (Dkt. 32), which remains pending
 14 as of the date of this stipulation;

15 WHEREAS, ExxonMobil concurrently filed its Motion to Stay on March 11, 2025 (Dkt.
 16 33), and Plaintiff filed its Opposition on March 25, 2025 (Dkt. 36);

17 WHEREAS, the Parties submitted a stipulation on March 28, 2025, notifying the Court
 18 that the Parties were “engaged in discussions regarding a stipulated agreement that would obviate
 19 the need for the Court to rule on ExxonMobil’s Motion to Stay,” and agreeing to extend
 20 ExxonMobil’s deadline to file its Reply in support of its Motion to Stay one week to April 4,
 21 2025, and to extend the 42-day administrative stay one week to April 14, 2025 (Dkt. 37), which
 22 the Court entered the same day (Dkt. 38);

23 WHEREAS, the Parties have now reached a stipulated agreement which obviates the need
 24 for the Court to rule on ExxonMobil’s Motion to Stay;

25 WHEREAS, this stipulation is not intended to operate as an admission of any factual
 26 allegation or legal conclusion and is submitted subject to and without waiver of any right,
 27 defense, affirmative defense, or objection, including but not limited to subject matter or personal
 28 jurisdiction; and

1 WHEREAS, the Parties agree that this stipulation does not waive any right to seek any
2 other relief from the Court.

3 **STIPULATION**

4 NOW, THEREFORE, the Parties hereby agree and stipulate as follows:

5 1. This case shall be remanded to state court during the pendency of ExxonMobil's
6 Remand Appeal.

7 2. While in state court, the Parties agree to proceed only with a motion to quash (and
8 any associated jurisdictional discovery) while the Remand Appeal is pending. If the motion to
9 quash is resolved (including through appeals and/or writ review) and the Remand Appeal is still
10 pending, then the state case will be stayed until the Remand Appeal concludes, subject to the
11 expiration date provided in Paragraph 6, below.

12 3. The Parties agree that no merits discovery will proceed while the Remand Appeal
13 is pending, except that Plaintiff intends to take a limited set of third-party preservation discovery
14 in two areas: (a) a limited number of depositions of deponents who may not be fit to provide
15 competent testimony or may not survive past the time that the Remand Appeal is complete if the
16 deposition is not conducted until the Remand Appeal is completed; and (b) a limited number of
17 document subpoenas for documents and information subject to the Federal Stored
18 Communications Act (18 U.S.C. § 2701 *et seq.*), which Plaintiff believes limits preservation to
19 180 days.

20 4. Before Plaintiff proceeds with such discovery related to Paragraph 3(a), above, it
21 will meet and confer with ExxonMobil. If the Parties are unable to agree on whether the
22 deposition should proceed, the Parties will raise the issue with the state court for decision. To the
23 extent Plaintiff issues document subpoenas as described in Paragraph 3(b) above, ExxonMobil
24 does not waive and preserves its right to respond to the subpoena(s) in the ordinary course in state
25 court (including objecting or moving to quash if appropriate). Plaintiff preserves all rights to
26 respond to any such objections or motions by ExxonMobil.

27 5. The Parties agree that nothing in this stipulation or any third-party preservation
28 discovery referenced above (including any motion practice regarding same) shall operate as an

admission of any factual allegation or legal conclusion, nor constitutes a waiver of any right, defense, affirmative defense, or objection, including but not limited to subject matter or personal jurisdiction.

6. If the Remand Appeal is not complete by March 31, 2026, the stipulated stay shall expire (without prejudice to the Parties' agreeing to a further stay or any party seeking additional relief from the Court to extend the stay).

7. ExxonMobil agrees that it will not seek a stay pending the Remand Appeal from the Ninth Circuit Court of Appeal, which would conflict with the purpose of the stipulation.

8. Upon remand, the Parties agree to submit a substantially similar stipulation to the state court to effectuate the purposes of this stipulation. The Parties will also meet and confer regarding the timing of Plaintiff's opposition to the motion to quash, ExxonMobil's reply in support of the motion to quash, a hearing date for the motion to quash, and the timing of any motion practice referenced in Paragraph 4, above.

Dated: April 4, 2025

Respectfully submitted,

/s/ Dawn Sestito

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Counsel for Defendant

1 Dated: April 4, 2025

Respectfully submitted,

3 /s/ Deborah M. Smith

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Counsel for Plaintiff

** Pursuant to Civ. L.R. 5-1(i)(3), the
electronic signatory has obtained approval
from this signatory.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Hon. Richard Seeborg
United States District Judge